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Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences

Note by the Secretariat

The Secretariat has the honour to transmit the report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, prepared pursuant to Human Rights Council resolution 24/3. In the report, the Special Rapporteur investigates the issue of debt bondage as a key form of contemporary slavery across the world. She outlines the legal definition of debt bondage, before discussing trends in prevalence within different regions. She then goes on to discuss the key drivers of debt bondage and challenges in eradicating it. Finally, the Special Rapporteur outlines her vision for an integrated, human rights-based approach to the full eradication and prevention of debt bondage and develops recommendations for Member States on the implementation of such an approach.

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I. Introduction

1. The present report is submitted by the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, Urmila Bhoola, pursuant to Human Rights Council resolution 24/3.

2. Since her presentation to the Human Rights Council at its thirtieth session, in September 2015, the Special Rapporteur has made country visits to Nigeria and El Salvador. The visit to Nigeria was made in conjunction with the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on the sale of children, child prostitution and child pornography, and had the specific aim of assessing efforts made by the Government to assist in rehabilitating and reintegrating women and children who had escaped or been liberated from Boko Haram captivity. The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health presented the report summarizing the findings of that visit (A/HRC/32/32/Add.2) to the Human Rights Council at its thirty-second session. The Special Rapporteur on contemporary forms of slavery, including its causes and consequences, also visited El Salvador to investigate the prevalence of contemporary slavery there and efforts made by the Government to prevent and eradicate the phenomenon. The report summarizing the findings of that visit (A/HRC/33/46/Add.1) is issued as an addendum.

3. In addition to undertaking the above-mentioned country visits, the Special Rapporteur has participated in a wide range of international conferences and initiatives relating to the prevention and eradication of contemporary forms of slavery. For example, she attended the Global Child Forum on Southern Africa, in September 2015; a United Nations Office on Drugs and Crime workshop, in November 2015 in Dakar; and the International Day for the Abolition of Slavery, in December 2014 at United Nations Headquarters. Furthermore, on 26 and 27 November 2015, the Special Rapporteur participated in the first African Girls' Summit on Ending Child Marriage in Africa, together with the Special Rapporteur on violence against women, its causes and consequences. During that event, she took part in panel discussions and plenary sessions, as well as in a meeting that brought together a number of non-governmental organizations and over 50 young girls who had been subjected to forced marriage. The Special Rapporteur was also appointed a partner of the International Labour Organization's 50 for Freedom campaign to promote ratification of the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29) and participated in a number of advocacy activities related to the campaign in South Africa and Zambia, as well as in Geneva. She also took part in a United Nations University, Government of Liechtenstein and Freedom Fund campaign to increase criminal penalties and access to justice in the area of contemporary slavery.

4. In order to produce the present report on global trends in relation to debt bondage, the Special Rapporteur prepared a questionnaire and circulated it to Member States and other stakeholders. Analysis of the questionnaires, as well as desk-based research, informed the report. Additional information supporting the findings of the Special Rapporteur's report, as well as a full list of the sources consulted, is included in an annex that can be found on the web pages of the Special Rapporteur on contemporary forms of slavery, its causes and consequences.[1]

[1] See www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/SRSlaveryIndex.aspx.

II. Legal characterization and definition of debt bondage

5. The practice of debt bondage, also known as bonded labour, is one of the four practices similar to slavery or forms of servitude that are addressed in the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, of 1956. Although servitude in international law has not been defined by an international instrument and the distinction between servitude and slavery has not been fully established, it has been considered that "servitude should be understood as human exploitation falling short of slavery. That is to say, such exploitation which does not manifest powers which would normally be associated with ownership, whether de jure or de facto".[2] Debt bondage is a type of servitude but can also be characterized as slavery if characteristics denoting ownership are present. Furthermore, debt bondage can also be classified as forced labour under the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29). That Convention establishes debt bondage as "work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily". Although debt bondage is not included in the definition of forced labour, there is a general consensus that the two practices overlap.

6. People enter the status or condition of debt bondage when their labour, or the labour of a third party under their control, is demanded as repayment of a loan or of money given in advance, and the value of their labour is not applied towards the liquidation of the debt or the length of the service is not limited and/or the nature of the service is not defined. Consequently, bonded labourers are often trapped into working for very little remuneration, or in some cases none, to repay the loan or advance, even though the value of their labour exceeds that sum of money.

7. In situations of debt bondage, the power imbalance between the employer (or creditor) and the worker often increases the worker's vulnerability to further human rights abuses. Employers and creditors are reported to adjust interest rates, to make further deductions arbitrarily as penalties for perceived poor performance, and/or to charge high prices for basic goods or working tools resulting in an increase of the debt and the perpetuation of deeply exploitative situations. Furthermore, bonded labourers are often subjected to physical and psychological abuse, to abusive conditions of work, such as long working hours, to dangerous and unhealthy work, and to severe restrictions on their freedom of movement, including in relation to changing employment. Children in debt bondage can be particularly vulnerable to additional violations of their human rights, as they lack access to education as well as to opportunities to participate in cultural and recreational activities.

8. The definition of debt bondage in the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery is sufficiently broad to cover the situation of workers trapped in debt bondage in systemic, archaic, feudal systems of slave-labour exploitation, as well as that of migrant workers from developing countries who leave their countries accruing debt to cover the costs associated with recruitment. Debt bondage is closely related to a number of forms of exploitation, including forced labour, the abuse of migrant workers, trafficking, and the worst forms of child labour. It has been observed that debt bondage is an area in which the relationship between trafficking and forced labour practices is particularly strong. Debt is considered to be a key

[2] Jean Allain, "On the curious disappearance of human servitude from general international law", *Journal of the History of International Law*, vol. 11 (2009), p. 304.

source of vulnerability to trafficking and is one of the mechanisms used to force victims to work in exploitative or abusive conditions.

III. Trends in the prevalence of debt bondage

A. Global

9. Debt bondage occurs worldwide and is not confined to any one country or region and it occurs across various sectors of the economy. A global trend can be seen whereby vulnerable people, including those belonging to minority groups, indigenous people, women, children, people determined as being of low caste, and migrant workers, are disproportionately impacted by debt bondage. As will be discussed below, many victims of debt bondage face multiple and intersecting sources of discrimination which make them vulnerable to exploitation and abuse.

10. ILO estimated in 2012 that 20.9 million people worldwide were victims of forced labour. These figures refer to all forms of forced labour, however given the close interrelationship with debt bondage, the figures offer some insight into debt bondage prevalence trends globally. The Asia-Pacific region accounts for the highest absolute number of victims of forced labour: 11.7 million, or 56 per cent of the global total. The second-highest number is in Africa, with 3.7 million (18 per cent), followed by Latin America and the Caribbean, with 1.8 million (9 per cent). Developed economies and the European Union account for 1.5 million victims of forced labour (7 per cent), while the non-EU countries of Central, South-East and Eastern Europe and the countries of the Commonwealth of Independent States have 1.6 million (7 per cent). In the Middle East, there are an estimated 600,000 victims (3 per cent). ILO has noted that the average period of time that victims spend in forced labour is approximately 18 months, with significant variation according to the forms of forced labour and across regions. The ILO data also illustrates that forced labour affects international migrants, internally displaced persons and people in their home countries. ILO estimates that there are 9.1 million victims (44 per cent) who have moved either internally or internationally, and 11.8 million (56 per cent) who are subjected to forced labour in their place of origin or residence.[3]

B. Regional

Africa

11. In Africa, debt bondage has been reported in sectors such as mining and agriculture, particularly in countries that are members of the Southern African Development Community, such as the Democratic Republic of the Congo, Malawi, Zambia and Zimbabwe.

12. The Democratic Republic of the Congo, Zambia and Zimbabwe have been identified as being home to adults and children who are subjected to debt bondage or trafficking while working in the mining sector.[4] Forced labour in the mining sector has been reported to

[3] International Labour Organization, *ILO Global Estimate of Forced Labour: Results and Methodology* (2012), pp. 13, 16 and 17. Available from www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_182004.pdf

[4] ILO, "Draft report on forced labour and human trafficking in the Southern African Development Community", paper prepared for the Subregional Conference on the Ratification and Implementation

involve multinational corporations that work on the extraction of precious metals or minerals. In the Kivu provinces in the east of the Democratic Republic of the Congo, debt bondage has been reported as one of the most common forms of contemporary slavery in mines. Workers contract debts to purchase food, supplies and working tools when they start working and continue to accrue debt in order to meet their basic needs. Most of the workers in debt bondage in North Kivu province come from other eastern provinces.[5]

13. It has also been reported that indigenous peoples in the Democratic Republic of the Congo are subjected to practices similar to slavery, including debt bondage, by the Bantu majority. Indigenous peoples are often trapped in debt bondage by Bantu "masters" who often sell them goods such as clothes, food and medicine at inflated prices and add exorbitant rates of interest if the goods are not paid for on time and who demand their work in return. It is also a common practice for the Bantu to create new debts in order to sustain the exploitation of bonded labourers. For example, it has been reported that they provide food to indigenous children and then add inflated costs to the debts of parents.[6]

14. In Malawi, situations of debt bondage are reported to be prevalent within the tobacco industry.[7] This sector is a major source of employment in Malawi and generates a significant amount of income for the country. Tobacco is traditionally grown by farmers who use waged workers, temporary workers and also tenants (workers to whom farmers provide land, food and housing and to whom they loan agricultural tools, the costs of which are deducted from future profits). The relationship between tenants and estate or farm owners has been reported to be largely exploitative, leading to a situation of debt bondage. The costs charged to tenants by the estate or farm owners exceed the amount received from tobacco sales due to manipulation of the debts. This leads to tenants, who are reportedly predominantly male, and their families, becoming trapped in situations of debt bondage. In 2013, the Special Rapporteur on the right to food estimated that 300,000 tobacco tenant families were living in extremely precarious situations in Malawi (see A/HRC/25/57/Add.1, para. 47). Since 1995, the Government has made several attempts to enact a specific law on tenancy labour but has yet not successfully developed such legislation. A tenancy labour bill was first drafted in 1995, and the latest version, from 2012, is still under debate.[8]

Asia

15. The practice of debt bondage in South Asia is reported to be widespread, particularly in India, Pakistan, Bangladesh and Nepal.[9] The existence of debt bondage has also been

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of the New ILO Protocol on Forced Labour, Lusaka, 17 and 18 November 2015, p. 38. Available from www.ilo.org/wcmsp5/groups/public/---africa/---ro-addis_ababa/documents/publication/wcms_425974.pdf.

[5] Free the Slaves, "The Congo report: slavery in conflict minerals", June 2011, pp. 11 and 14-16. Available from www.freetheslaves.net/wp-content/uploads/2015/03/The-Congo-Report-English.pdf.

[6] African Commission on Human and Peoples' Rights and the International Work Group for Indigenous Affairs, *Report of the African Commission's Working Group on Indigenous Populations/Communities: Research and Information Visit to the Democratic Republic of Congo, 9-25 August 2009*, p. 76. The report was adopted by the African Commission on Human and Peoples' Rights in 2011. Available from www.iwgia.org/iwgia_files_publications_files/0555_RDC-ENGELSK.pdf, and Anti-Slavery International, *Arrested Development: Discrimination and Slavery in the 21st Century* (2008), p. 24. Available from www.antislavery.org/includes/documents/cm_docs/2009/a/arresteddevelopment.pdf.

[7] Submission from the Eliminating Child Labour in Tobacco Growing Foundation, and submission from ILO, "A rapid assessment of the tobacco sector in Malawi" (2015), p. 9.

[8] ILO, "A rapid assessment of the tobacco sector in Malawi", pp. 25-29.

[9] Siddharth Kara, *Bonded Labor: Tackling the System of Slavery in South Asia* (New York, Columbia University Press, 2012), pp. xiii and 6.

reported in Afghanistan and Sri Lanka. However the majority of those in debt bondage are reported to be in India, Pakistan, Bangladesh and Nepal, despite the specific prohibition on such practices within the legal frameworks of these countries. Those who are trapped in debt bondage in South Asia are reportedly predominantly Dalits, persons of "low" caste, indigenous peoples[10] or members of other minority groups.[11]

16. In traditional forms of debt bondage in South Asia, patronage assumes an important role in the employer-employee relationship, in that the labour and the life of the debtor become collateral for the debt accrued. In some cases, such patronage perpetuates the cycle of debt from one generation to the next.[12] However, this generational debt bondage has decreased over the years and has been replaced by a more individualized temporary and/or seasonal form of bondage that is exclusively economic and lacks the dimension of patronage. This form of debt bondage, also known as "neo-bondage", is considered to involve the seasonal movement of migrant workers within and between countries. Such workers are recruited by intermediaries who usually demand the payment of an advance and the settlement of wages at the end of the contract in exchange for their intermediation. Neo-bondage is similar to traditional forms of bondage, in the sense that the men, women and children vulnerable to such practices mainly belong to marginalized communities.

17. Women and children often become trapped in situations of bonded labour because of debt contracted by an authoritative member of the family or as a result of the family's status. Children can also enter into bonded labour by inheriting a debt from a parent or other family member or they can be pledged individually to work in various sectors. The individual pledging of children has been identified as a phenomenon characterized by the recruitment of children through intermediaries who give their parents an advance. Such women and children are often vulnerable to physical and sexual abuse from employers. Cases of abduction of family members have been reported as a result of labourers seeking help to achieve release from bondage.[13] Indirect bondage is prevalent in sectors such as agriculture and the brick kiln industry, in which women and children are reportedly bonded through the male household head.[14] Women and children can also often be bonded in their own right, for example in domestic work, fish processing, silk farming, bangle production, or carpet making and weaving.

18. In India, debt bondage is geographically widespread and has been reported to be prevalent in sectors such as the brick kiln industry, stone quarries, mining, manufacturing of beedi (Indian cigarettes), carpet weaving, construction, agriculture, power looms and cotton handlooms, as well as fish processing.[15] Such practices are reported to be present in

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[10] In South Asia, this term includes those categorized as "tribals" (also known as *adivasi*) or, by Indian law, as "scheduled tribes".

[11] Anti-Slavery International, *Arrested Development: Discrimination and Slavery in the 21st Century*, pp. 5 and 6.

[12] Kevin Bales and Peter Robbins, "No one shall be held in slavery or servitude: a critical analysis of international slavery agreements and concepts of slavery", *Human Rights Review*, vol. 2 (January-March 2001), pp. 34 and 35; and
Shikha Sethia, "Bonded labourers", *India Exclusion Report 2013-14* (Books for Change, 2014), p. 206. Available from www.indianet.nl/pdf/IndiaExclusionReport2013-2014.pdf.

[13] Submission from Anti-Slavery International.

[14] ILO, *A Global Alliance Against Forced Labour: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work 2005*, p. 32. Available from www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_081882.pdf.

[15] Supreme Court of India, Writ Petition (Civil) No. 3922 of 1985. Available from http://supremecourtofindia.nic.in/outtoday/3922.pdf; and

both the formal and the informal sectors. A survey conducted in 10 States in 1978 and 1979 by the Gandhi Peace Foundation and the National Labour Institute, which remains the most detailed survey on debt bondage, estimated the total number of bonded labourers in the agricultural sector at 2.62 million.[16] The majority of people who are in debt bondage are Dalits, of "low" caste, or indigenous peoples — also referred to as members of the scheduled castes and scheduled tribes.[17]

19. In the western and central parts of Tamil Nadu, a high number of adolescent girls reportedly work as bonded labourers under the *sumangali* scheme[18] in textile mills and garment factories, which is a major hub in the global knitwear sector that supplies international brands.[19] The majority of these workers are reported to belong to Dalit communities and are aged between 14 and 18 years.[20] Debt bondage is also reported in power loom workshops located in the Tiruppur region of Tamil Nadu, which produce woven cloth both for domestic manufacturers and for global suppliers. Those affected by debt bondage in this region are reported to include members of Dalit communities and other poor communities and to include both men and women. Furthermore, some non-agricultural industries in which debt bondage among children is reported to exist include carpet weaving, beedi making, silk production, silk sari production, the brick kilns and stone quarries.[21]

20. In Pakistan, debt bondage has been reported in industries such as the brick kilns, agriculture, fisheries, mining, carpet weaving and glass bangle production, among others.[22] Debt bondage is primarily concentrated in the provinces of Sindh and Punjab in agriculture, and in the brickmaking industry where often entire families are held in bondage. Landless sharecroppers (*haris*) in Sindh and brickmakers (*patheras*) in Punjab are the most affected by debt bondage. It has been reported that bonded labourers are often held in captivity by

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National Human Rights Commission, *Know Your Rights: Bonded Labour* (2010), p. 3. The Commission noted the following in 2010 regarding the sectors of the economy where bonded labour is prevalent: "High incidence of bonded labour in the agriculture sector is found in the States of Andhra Pradesh, Bihar, Haryana, Karnataka, Maharashtra, Orissa, Punjab, Tamil Nadu and Madhya Pradesh. In the non-agriculture sector, it is prevalent in brick kilns, stone quarries, beedi manufacturing, carpet weaving, match and fireworks industry, pottery, construction projects and bonded child labour in the sericulture processing industry. Migrant bonded labour involving States such as Bihar, Jharkhand, Chattisgarh, Tamil Nadu, Madhya Pradesh, Orissa, Rajasthan, present a heightened form of deprivation and exploitation often amounting to bonded labour system. Domestic workers, *jogins* and *devdasis* are subjected to exploitation in the form of bonded labour system".

[16] Ghandi Peace Foundation and National Labour Institute, *National Survey on the Incidence of Bonded Labour: Preliminary Report* (New Delhi, 1979). Cited in *India Exclusion Report 2013-14*, pp. 205 and 217 (footnote 8).

[17] Submission from Anti-Slavery International; submission from Prayas Centre for Labour Research and Action; submission from Jeevika Trust.

[18] Submission from Rights Education and Development Centre and Dalit Solidarity Network United Kingdom. The *sumangali* scheme is considered to be a form of modern slavery and bonded labour, which has been a particularly regular practice for the past 10 years in the textile industry of Tamil Nadu. Adolescent girls are recruited from their villages by brokers/agents, who pay an advance payment and then promise a considerable lump sum at the end of the contract. Often the wages received by the girls either at the end of the "contract" or paid on a weekly or monthly basis are used to cover expenses inside the work premises (e.g. food and housing costs).

[19] Submission from Anti-Slavery International.

[20] SOMO, *Captured by Cotton: Exploited Dalit Girls Produce Garments in India for European and US Markets* (May 2011), p. 14. Available from www.somo.nl/publications-en/Publication_3673.

[21] Shikha Sethia, "Bonded labourers", *India Exclusion Report 2013-14*, p. 208.

[22] Human Rights Commission of Pakistan, *State of Human Rights in 2011*, p. 204. Available from http://hrcp-web.org/hrcpweb/wp-content/pdf/AR2011-A.pdf.

armed guards or their family members are held as hostages, severely limiting the freedom of movement both of the bonded labourers and of their families.[23] The estimates reported by the Human Rights Commission of Pakistan pertaining to the period from 2011 to 2014 on the number of releases of bonded labourers ordered by courts in Sindh indicate that the largest number of releases occurred in the districts of Mirpur Khas, Sanghar and Umerkot. Furthermore, natural disasters such as the monsoon floods in 2010 have had a negative impact on the levels of debt bondage in agriculture and have increased migration-based bonded labour in numerous sectors such as construction and brickmaking.[24] Debt bondage in Pakistan is mainly found among minorities, such as non-Muslims (Hindus or Christians) or Muslims who have converted from Hinduism.[25]

21. In Nepal, bonded labour can be found in sectors such as agriculture, cattle rearing, domestic labour, the brick kiln industry, embroidered textiles and the stone-breaking industry.[26] A United Nations assessment carried out in 2011 suggested that 547,000 individuals in Nepal were in forced and bonded labour.[27] A large proportion of bonded labourers were reported to be involved in traditional forms of agricultural bonded labour, such as *haruwa-charuwa*,[28] *haliya*[29] or *kamaiya*.[30] The majority of *kamaiya* labourers were released following the declaration in 2000 that abolished the system and the enactment of the Bonded Labour (Prohibition) Act, 2058 (2002).[31] However, traces of the *kamaiya* system still remain, particularly where government action aimed at identification, release and rehabilitation has not reached those affected. In 2008 the Government abolished the *haliya* system and cancelled the debts of *haliya* bonded labourers, but in the absence of a comprehensive rehabilitation programme some reportedly remain trapped in debt bondage. A study conducted by ILO between 2008 and 2010 addressing forced labour of adults and children in agriculture, with a particular focus on the *haruwa-charuwa* system in central

[23] Human Rights Commission of Pakistan, *State of Human Rights in 2013*, p. 82. Available from http://hrcp-web.org/publication/book-genre/annual-reports/.

[24] Siddharth Kara, *Bonded Labor: Tackling the System of Slavery in South Asia* (New York, Columbia University Press, 2012), p. 71.

[25] Submission from Gulshan-e-John, submission from Green Rural Development Organization, and Aly Ercelawn and Muhammad Nauman, Pakistan Institute of Labour Education and Research. "Bonded labour in Pakistan: an overview", working paper (ILO, 2001), pp. 3-7.

[26] Walk Free Foundation, *Global Slavery Index 2013*, p. 50.

[27] United Nations country team in Nepal (2011), *A Country Analysis with a Human Face*, updated February 2013, p. 32. Available from http://un.org.np/reports/country-analysis-2011.

[28] Ibid. The *haruwa charuwa* labourer (tiller and cattle herder) is employed on a daily, weekly or monthly basis with various types of employment contract, oral or written. These contract agreements often provide for work in exchange for land or for a portion of the harvest, or for work against an annual payment or to pay the interest on a loan. Furthermore, the labourer's wife and children may also be obliged to work for the landowner, under pressures or threats such as being obliged to pay off their loans promptly, being excluded from sharecropping, being refused a loan in times of crisis, and violence.
Also: ILO, *Forced Labour of Adults and Children in the Agriculture Sector of Nepal* (ILO Country Office for Nepal, 2013), series No. 11, p. xiii. Available from https://www.dol.gov/ilab/reports/pdf/Nepal_FL%20of%20Adults%20&%20Children%20in%20the%20Agriculture%20S.pdf.

[29] United Nations country team in Nepal (2011). *Haliya* (agricultural labourers) are landless workers indebted to their landlords by custom and by debts that have not yet been repaid, sometimes over generations. Consequently, they receive no pay in return for the agricultural and domestic labour that they carry out. Some are allowed to migrate to India during the off-season to earn money to pay their debts. The system is prevalent in the Far Western Hill districts.

[30] The *kamaiya* system involved an agricultural labourer becoming bonded by receiving a loan from the landlord at the beginning of the work relationship.

[31] Submission from Anti-Slavery International.

and eastern Tarai and the *haliya* system in the far western hills, found that *harwaa-charwaa* and *haliya* households accounted for 72 per cent of adults in forced labour.[32] The ILO study also estimated that 33.5 per cent of the 89,545 working children aged from 5 to 17 were in forced labour, 62 per cent of whom were male and 38 per cent of whom were female. The vast majority of bonded labourers in Nepal are reported to be Dalits, persons of "low" caste, indigenous peoples or members of religious minorities.[33]

Latin America

22. In Latin America, debt bondage mainly affects marginalized communities, including those impacted by poverty, indigenous peoples, those living in rural areas and persons of African descent. Victims of debt bondage are often recruited to work within their own locality or transported to areas where there are new commercial developments. They work in a range of industries, including production of charcoal and pig iron, timber processing and agriculture.[34] Debt bondage has been reported in countries such as the Plurinational State of Bolivia, Guatemala and Peru, where there are high proportions of indigenous peoples.[35]

23. Most of the bonded labour documented in these countries is of short duration and thus resembles the "neo-bondage" described above.[36] Workers are usually bonded for a season; only in a few cases do they remain bonded for a longer period. The recruitment of workers is generally carried out through labour contractors or intermediaries who give workers advances and promise them decent remuneration and favourable labour conditions. Furthermore, the initial debts incurred by workers through the advances provided at the time of recruitment often continue to increase due to unexplained wage deductions or to credit used at stores run by employers to buy subsistence goods that are frequently sold at inflated prices. In some cases, the geographical isolation of labour sites and the fact that employers prevent any exchanges between workers and outside traders leaves workers with no alternatives. Children and women reportedly help their male family members in the performance of tasks or provide free domestic services to the landlord.

24. In Peru, debt bondage is reported to occur in the illegal logging and timber extraction industries, with mestizos (individuals of mixed colonial and indigenous descent) and indigenous peoples in the Peruvian Amazon commonly victimized.[37] Two forms of forced labour in logging activities have been identified in the Amazon. The first involves indigenous workers being contracted to perform activities in their own communities, whereas the second sees indigenous and mestizo workers being hired to work in logging camps owned by timber bosses. Enforcement of the arrangements between workers and

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[32] ILO, *Forced Labour of Adults and Children in the Agriculture Sector of Nepal* (ILO Country Office for Nepal, 2013), series No. 11, pp. 59 and 60.

[33] Submission from Anti-Slavery International.

[34] ILO, *The Cost of Coercion: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, International Labour Conference, ninety-eighth session (2009), report I (B), pp. 8 and 19. Available from www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_106268.pdf, and submission from ILO.

[35] See http://www.cepal.org/en/infografias/los-pueblos-indigenas-en-america-latina.

[36] Eduardo Bedoya Garland, Alvaro Bedoya Silva-Santisteban and Patrick Belser, "Debt bondage and ethnic discrimination in Latin America", in *Forced Labor: Coercion and Exploitation in the Private Economy*, Beate Andrees and Patrick Belser, eds. (Boulder, Colorado, Lynne Rienner Publishers, ILO, 2009), pp. 42 and 45.

[37] Eduardo Bedoya Garland and Alvaro Bedoya Silva-Santistebaa, "El trabajo forzoso en la extraccion de la madera en la Amazonia peruana", working paper (Geneva, ILO, 2005), p. ix; and Bhavna Sharma, "Contemporary forms of slavery in Peru" (Anti-Slavery International, 2006), p. 3.

employers is in some cases ensured through threats and abuse, including physical violence.[38]

25. In the Plurinational State of Bolivia, bonded labour has been reported among the indigenous Guaranis in the Chaco region and among indigenous workers and mestizos on sugar plantations, and in relation to the production of Brazil nuts in the northern Amazon.[39] The indigenous Guaranis in the Chaco region are mainly involved in farming and ranching, in activities such as the production of corn, beans, cassava, plantain and fruits, and fishing and hunting. It is estimated that a large number of indigenous Guarani families in the Bolivian Chaco are subjected to debt bondage and forced labour and are thus referred to as "captive communities".[40] Furthermore, every year during the sugar harvest, tens of thousands of indigenous workers and their families,[41] recruited by intermediaries or contractors through the *enganche* recruitment system,[42] migrate to Santa Cruz and Tarija.

26. In Paraguay, debt bondage has reportedly been observed among members of various indigenous ethnic groups on traditional low-technology cattle farms located in remote areas of the Chaco region.[43] Casual workers are hired for *changa* work — short-term work clearing fields or bringing in the harvest, and receive very low pay or no pay for their work after employers have deducted amounts from their wages corresponding to the items purchased on credit at the estate shop.[44] Permanent workers are employed as *plaveros* (ranch hands) to perform a variety of tasks, such as cutting wood or milking the cows, and in some cases due to the debts they have contracted are directly or indirectly held against their will. ILO estimated in 2005 that a total of 8,000 indigenous workers could be victims of debt bondage in Paraguay.[45]

27. In Brazil, the highest incidence of what is commonly referred to as "slave labour", which includes the practice of debt bondage,[46] is found in industries associated with the

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[38] Eduardo Bedoya Garland, Alvaro Bedoya Silva-Santisteban and Patrick Belser, "Debt bondage and ethnic discrimination in Latin America", in *Forced Labor: Coercion and Exploitation in the Private Economy*, p. 44.

[39] Ibid.

[40] Inter-American Commission on Human Rights, "Captive communities: situation of the Guarani indigenous people and contemporary forms of slavery in the Bolivian Chaco", 2009.

[41] Eduardo Bedoya Garland and Alvaro Bedoya Silva-Santisteban, "Enganche y servidumbre por deudas en Bolivia" (ILO, 2005), p. 1.

[42] Inter-American Commission on Human Rights, "Captive communities: situation of the Guarani indigenous people and contemporary forms of slavery in the Bolivian Chaco", 2009, p. 7.
"According to a study by the ILO, the *enganche* system leads to a situation of debt bondage and forced labour. To pay his debt, the farmer who receives an advance has no option other than to work in the place determined by the *enganchador* (intermediary or contractor). ... The farmer cannot repay that advance with money, nor can he look for another recruiter who will give him more money, nor is he in a position to seek other employment. ... The *enganche*, therefore, is a system of getting labour that entails the worker's loss of liberty and it takes place in the absence of a developed labour market".
Also: Eduardo Bedoya Garland and Alvaro Bedoya Silva-Santisteban, "Enganche y servidumbre por deudas en Bolivia", pp. 1 and 2.

[43] Submission from Paraguay.

[44] Eduardo Bedoya Garland and Alvaro Bedoya Silva-Santisteban, "Servidumbre por deudas y marginación en el Chaco de Paraguay" (ILO, 2005), p. ix.

[45] Ibid.

[46] Slave labour is defined in art. 149 of the Brazilian Penal Code as reducing someone to a condition analogous to that of a slave, namely subjecting a person to forced labour or to arduous working days, or subjecting such a person to degrading working conditions or restricting, in any manner whatsoever, his mobility by reason of a debt contracted in respect of the employer or a representative of that employer. See Nicola Philips and Leonardo Sakamoto, "The dynamics of adverse incorporation in

production of commodities such as live cattle, soybean, cotton, sugar and coffee.[47] Other products identified with slave labour include vegetable charcoal and ethanol. Some of the regions reported to have a high incidence of slave labour include the states of Pará, Mato Grosso, Maranhão, Tocantins and Bahia, which also have been identified as states with a high incidence of violence and deforestation for cattle ranching.[48] Labour intermediaries known as *gatos* usually recruit workers by offering them advance payments and free transport to the work site. Once they have arrived, the labourers, most of whom are males aged between 18 and 34, become indebted, as a result of items they buy on credit at the canteens run by the employer, and the charges for working tools, accommodation and transport.

C. Migrant workers and debt bondage

28. Debt bondage in the context of labour migration and trafficking is a trend that can be seen across a number of countries and sectors. Migrant workers often become trapped in situations of bondage by borrowing money at exorbitant interest rates to pay recruitment fees or by taking an advance payment from intermediaries to secure work in the country of destination. Once migrants arrive in the country of destination they are often forced to work in harsh conditions to pay back debt they have accrued. Furthermore, workers are commonly subjected to threats and physical abuse, and in some cases face severe restrictions to their freedom of movement. The vast majority of people trafficked to countries in North America, Europe and the Middle East and to other developed countries are migrant workers who are trafficked into a variety of jobs including domestic work, agricultural work, prostitution and factory work and are often controlled through debt bondage and other mechanisms.

29. In the Middle East, migrant workers represent a significant portion of the labour force in the Gulf Cooperation Council countries of Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, particularly in the private sector. The individual sponsorship system, known as the *kafalah* system, which ties the employment and residency of a worker to a specific employer, is considered to be an arrangement that creates dependency of the worker on the employer and encourages abuses, including debt bondage. The fees charged by recruitment agencies for travel arrangements, labour contracts and other services trap migrant workers into bondage in their home countries. Consequently, migrant workers are often indebted upon arrival in the country of destination. Furthermore, practices such as the confiscation of passports, the non-payment, underpayment or delayed payment of wages, and contract substitution are considered to contribute to debt bondage. Those who are most susceptible to debt bondage in these countries are Asians who work as migrant labourers and domestic servants.

30. Exploitation of migrant workers via debt bondage has also reportedly been seen in South-East Asia. In Thailand, migrant workers, primarily from neighbouring countries including Cambodia, the Lao People's Democratic Republic and Myanmar, are reported to have been subjected to deceptive recruitment practices that can lead to cases of debt

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global production networks, poverty, vulnerability and 'slave labour' in Brazil", Chronic Poverty Research Centre working paper No. 175 (2011), p. 6. Available at http://r4d.dfid.gov.uk/PDF/Outputs/ChronicPoverty_RC/WP175_Phillips-Sakamoto.pdf.

[47] Ibid., p. 12.

[48] Leonardo Sakamoto, "'Slave labour' in Brazil", in *Forced Labor: Coercion and Exploitation in the Private Economy*, Beate Andrees and Patrick Belser, eds. (Boulder, Colorado, Lynne Rienner Publishers, ILO, 2009), pp. 19 and 21.

bondage.[49] Workers are often lured to work on fishing boats free of charge and once they start working are charged for the costs of recruitment and the travel expenses, with high interest rates.[50]

IV. Examples of national measures designed to eradicate and prevent debt bondage

31. A number of different countries have taken measures, including the development of legislation, policies and programmes, to eradicate and prevent debt bondage and related forms of servitude. Examples of these are discussed below, and additional material is included in the annex.

A. Constitutional provisions relating to debt bondage

32. In South Asia, several countries have provisions in their national constitutions from which further enacted legislation on debt bondage flows directly. For example, article 23 of the Constitution of India prohibits trafficking in human beings, *begar* (debt bondage) and other similar forms of forced labour, as an enforceable right. Article 11 of the Constitution of Pakistan prohibits slavery and forced labour. Article 29 of the Constitution of Nepal prohibits debt bondage and other forms of forced labour and specifies that an employer contravening the prohibition must pay compensation. In Brazil, article 243 of the Constitution provides for the expropriation of rural or urban property in which the use of slave labour has been identified and its consignment to agrarian reform and social housing.[51]

B. Debt bondage legislation, policies and programmes

33. In South Asia, specific legislation on debt bondage and other relevant legislation to combat debt bondage has been enacted in India, Nepal and Pakistan. In India, the Bonded Labour System (Abolition) Act, 1976 abolishes the bonded labour system and discharges every bonded labourer from any obligation to render labour related to debts. The Act also prohibits the giving of advances to bonded labourers, obliges local governments to rehabilitate freed bonded labourers and imposes a penalty on perpetrators of up to 3 years' imprisonment and a fine of up to Rs. 2,000. The Act mandates the establishment of vigilance committees at the district and subdivisional level, with a duty to provide for the "economic and social rehabilitation" of bonded labourers. In addition, the Child Labour (Prohibition and Regulation) Act, 1986 prohibits the participation of children under 14 years of age in certain kinds of hazardous employment and regulates the conditions of work in other kinds of employment. Section 374 of the Indian Penal Code punishes compelling any person to labour against the will of that person, and section 370 prohibits trafficking in persons for the purpose of exploitation, which includes "physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs". The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 prohibits forced or bonded labour of a member of a scheduled caste or tribe.

[49] Verite, "Recruitment practices and migrant labour conditions in Nestle's Thai shrimp supply chain: an examination of forced labour and other human rights risks endemic to the Thai seafood sector", p. 13.

[50] Submission from Human Rights and Development Foundation.

[51] ILO, "Application of international labour standards 2016 (I): report of the Committee of Experts on the Application of Conventions and Recommendations", p. 179.

34. Also in India, the Centrally Sponsored Scheme for Rehabilitation of Bonded Labourers, introduced in 1978, establishes that the cost of rehabilitation grants is to be assumed on an equal basis by the central Government and the states, and provides Rs. 20,000 in compensation per labourer.

35. In Nepal, the Bonded Labour (Prohibition) Act, 2058 (2002) abolished bonded labour in the country.[52] The 2002 Act makes null and void all the debts contracted by persons in debt bondage and requires the establishment of freed bonded labourer rehabilitation and monitoring committees in a number of districts. The 2002 Act provides for penalties and fines for perpetrators. In 2010, the Ministry of Land Reform and Management presented a *haliya* system (prohibition) bill, setting out the rights of freed *haliya*, and establishing a rehabilitation fund, a case litigation and appeal process, and provision for punishment. However, the bill has not yet passed into law. In May 2011, the Government issued the "Freed *haliya* rehabilitation and monitoring guidelines", which mandated district-level task forces to update the information on freed *haliya* and to distribute identification cards to them within six months of their being identified.

36. In Pakistan, the Bonded Labour System (Abolition) Act, 1992 abolished bonded labour throughout the country. The Act prohibits any loan or advance under the bonded labour system, or compelling a person to render any form of forced labour. It also extinguishes all obligations to repay any bonded debt and provides for 2 to 5 years' imprisonment for perpetrators and/or the imposition of a fine of PRs. 50,000. The law mandates provincial governments to set up district vigilance committees, for implementation of the law and the rehabilitation of bonded labourers. The Bonded Labour System (Abolition) Rules, 1995 established the responsibility of various implementing agencies and mandated the setting up of a fund for the rehabilitation of freed bonded labourers. In 2001, the Government developed the National Policy and Plan of Action for the Abolition of Bonded Labour, in which the Government committed itself to eradicating bonded labour and developing the rehabilitation fund.[53]

37. In Mauritania, Act No. 2015-031 of 10 September 2015 criminalizes slavery and punishes slavery-like practices including debt bondage.[54] The Act provides for the possibility of third parties (those who have benefited from legal personality for at least five years) taking legal action and being a party in the proceedings (section 23).

38. In Germany, subjecting a person under the age of 21 to debt bondage is penalized under the Criminal Code (section 233 (1)) with a term of imprisonment of between 6 months and 10 years.[55] In Australia, the offence of debt bondage is penalized by 4 years' imprisonment, under section 271.8 of the Criminal Code.[56] Furthermore, the Government of Australia has adopted the National Action Plan to Combat Human Trafficking and Slavery 2015-2019, which includes actions to combat debt bondage. Other measures include the setting up in 2015 of Task Force Cadena to tackle serious incidents of illegal work, visa fraud and worker exploitation, with a focus on industries such as food production and agriculture, and the establishment of the Ministerial Working Group Protecting Vulnerable Visa Holders to consider policy options to protect vulnerable foreign workers in Australia.

[52] Submission from Anti-Slavery International.

[53] Pakistan Institute of Labour Education and Research, "Effectiveness of interventions for the release and rehabilitation of bonded labourers in Pakistan", p. 11.

[54] ILO, "Application of international labour standards 2016 (I): report of the Committee of Experts on the Application of Conventions and Recommendations", p. 260.

[55] Submission from Germany.

[56] Submission from Australia.

V. Key drivers of debt bondage and challenges in relation to its full eradication

A. Drivers

Poverty, lack of decent work and barriers to education

39. Poverty is a key driver of debt bondage across the world. Bonded labourers are frequently reported to live in situations of poverty that are sustained through generations. They often do not own any assets and lack access to land, education, health care and/or decent work opportunities. The majority are trapped in debt bondage because the only source of credit they can obtain is from their employer or recruiter. Life events have been identified as triggering the need for the loans that can lead to debt bondage; these may include illness or accident, marriage, and death in the family. Loans are also commonly needed for subsistence, and for investments such as home improvements.

40. People in debt bondage tend to have experienced a low level of access to education, which frequently results in illiteracy and innumeracy. This leads to a lack of alternative employment options and makes them vulnerable to exploitation from their employers. Illiteracy and innumeracy allow employers or recruiters to manipulate loans, interest rates and wages. Poor remuneration in previous employment is considered to be a major cause of debt bondage, as workers are forced to take loans or advances to cover basic subsistence needs.

Discrimination

41. Bonded labourers commonly belong to minority groups vulnerable to discrimination, such as certain racial groups, women, indigenous people, people of "low" caste and migrant workers. The discrimination suffered by these groups frequently prevents them from accessing education, health care, clean water and credit. Furthermore, demands from bonded labourers for fair treatment, or their resistance to exploitation, often cause them to face social sanctions and boycotts that further restrict their possibility of overcoming discrimination or of leaving the situation of bondage. The discrimination faced by bonded labourers comes in some cases not only from society at large but also from other members of the same minority groups.

42. Gender inequalities and discrimination make women vulnerable to bondage, as they are often excluded from the labour market and consequently are involved in unskilled and poorly paid jobs. Furthermore, discrimination against children belonging to minority groups is a factor that limits their full access to education and thus increases their vulnerability to exploitation. Many bonded labourers, including women and children, face multiple and intersecting forms of discrimination, which significantly increases their vulnerability to debt bondage and at the same time limits their opportunities for escaping such abuse.

Precarious labour migration

43. Precarious labour migration has been identified as a driver of debt bondage. Migrant workers are also often vulnerable to exploitation because of barriers they face in accessing the protections provided to nationals of the country to which they have migrated and because of generalized social hostility towards foreigners. The choices made by migrants about securing employment abroad are often based on misinformation and false promises concerning conditions of employment in destination countries. A lack of financial literacy can lead to a poor understanding of the loans taken out to pay fees, and a lack of alternatives in their home countries can incentivize migrants to take out loans on which extortionate rates of interest are charged. Furthermore, a lack of effective regulation of the

recruitment sector, unethical practices by unscrupulous recruiters, late payment or the withholding of payment by employers, and exorbitant charges for services can worsen situations of debt bondage.

B. Main challenges in eradicating debt bondage

44. Despite the efforts of various countries to eradicate and prevent debt bondage, there are still challenges in implementing adequate measures in this regard, including:

(a) The lack of adequate enforcement of legislation on debt bondage and on workers' rights, and of other relevant legislation for the eradication of debt bondage, and in some countries the non-existence of specific legislation on debt bondage;

(b) The lack of implementation or absence of legal measures that could prevent reprisals against victims of debt bondage when the criminal law is being used to punish perpetrators (e.g. a summary procedure in cases of debt bondage), particularly when victims and perpetrators are part of the same community;

(c) The lack of regulatory frameworks and oversight in respect of recruitment agencies or brokers that impose excessive recruitment fees or provide advances to migrant workers leaving them indebted;

(d) The limited access to justice and to effective remedies, which is often linked to the discrimination that bonded labourers suffer. Members of minority groups frequently continue to encounter discrimination, harassment and violence when seeking to access the justice system;

(e) The ineffectiveness or non-existence of adequate mechanisms to identify bonded labourers, including the lack of ongoing identification programmes conducted in the formal and informal sectors and the lack of particular methods for identifying bonded labourers. Other challenges in this regard include the insufficient resources allocated for the purposes of identification; the non-proactive attitude by officials to seeking out and finding cases of debt bondage; the lack of data, which could be obtained through surveys to identify the number of persons in debt bondage and the sectors where it is the most prevalent; and the failure by the authorities to recognize new forms of debt bondage, such as seasonal debt bondage;

(f) Deficiencies in providing protection and assistance to promote the recovery and reintegration of bonded labourers, particularly as regards ensuring that bonded labourers get an alternative means of earning a living under decent working conditions that will prevent them from relapsing into bondage. Furthermore, challenges remain regarding their access to recovery and reintegration programmes, particularly due to the fact that persons in debt bondage often do not have legal documents and due to the lack of adequate measures to ensure that such documents are obtained promptly;

(g) The absence of measures to specifically target the factors that cause or facilitate debt bondage, such as poverty, illiteracy, lack of access to decent work, social exclusion and discrimination. Also, the absence of measures to address cultural and economic pressures in some countries (e.g. in relation to marriage) and to ensure access to education, health and social security;

(h) Corruption, which has reduced the effectiveness of the identification, release and recovery of bonded labourers in some countries where debt bondage is prevalent. In some cases, the authorities are influenced by pressure from employers who occupy powerful positions in the community or belong to social elites. In that context, when employers are prosecuted they may be charged with infringing more lenient laws rather than the laws on debt bondage.

VI. Developing an integrated, human rights-based approach to eradicating and preventing debt bondage

45. Debt bondage is a complex and multidimensional form of contemporary slavery that impacts on individuals across the world. In order to be effective in eradicating and preventing debt bondage, Governments must develop comprehensive and integrated programmes of action based upon international human rights standards, as well as on the views of those affected. Such approaches must be multifaceted and include legislative and policy measures that are effective in eradicating debt bondage and preventing such abuse, by decreasing individual vulnerability and further developing the legal and institutional framework. The vision of the Special Rapporteur for such an integrated, human rights-based approach is outlined below.

46. The enactment of laws that prohibit debt bondage and adequately punish perpetrators is essential as a first step towards the eradication and prevention of this phenomenon. Such laws need to be actively enforced, along with those that are relevant to the prevention and eradication of debt bondage, including those related to regulation of recruitment agencies, the right to organize and the payment of wages. The necessary resources must be allocated to assure full implementation of the laws at all levels of government. Effective administrative institutional structures and processes must be in place to implement legislation on debt bondage. As part of such implementation efforts, enforcement officials and other State officials should be sensitized and trained in regard to relevant laws on debt bondage and the rights of victims.

47. Alongside such legislation, Governments should take all possible steps to prevent and address discrimination, as a key preventative strategy against debt bondage. Anti-discrimination legislation should be in place, and programmes that reduce vulnerability to exploitation should be targeted to populations commonly affected by debt bondage. Within such efforts, specific attention should be paid to removing barriers to access to education among children from vulnerable groups. In addition, addressing gender inequalities in society at large will help to reduce the number of women in debt bondage. Ensuring that women are given the same opportunities as men and that they enjoy equal rights at work is a key step in preventing them from becoming trapped in situations of debt bondage.

48. The labour inspection system must be resourced and trained in order to ensure effective monitoring of the compliance with laws on debt bondage, as well as with other relevant labour laws, for example those on forced labour, child labour, social security, wages, working conditions, health and safety, unionization, collective bargaining and equality. To that purpose, the labour inspection system should be provided with the necessary resources to monitor both the formal and informal sectors. Regulation of the labour market should also ensure that the rights to freedom of association and of peaceful assembly, as well as the right to collective bargaining, are universally upheld.

49. Comprehensive national and/or regional surveys should be undertaken to identify those in bonded labour and should include disaggregated information on those affected, by age, gender, nationality, caste or ethnic group, and to identify the industries in which debt bondage is prevalent. The existence of detailed data is a necessary step for the development of effective policies, systems and practices.

50. There should be no time gap between identification of persons in debt bondage and their release on the one hand, and the start of the rehabilitation measures on the other. Effective rehabilitation and reintegration measures need to be in place to prevent relapse into debt bondage and need to be designed in consultation with released bonded labourers. Rehabilitation measures need to ensure a sustainable livelihood for freed bonded labourers, and access to rehabilitation needs to be provided. This requires the issuance of legal

documents such as identity cards and birth certificates, which will also enable them to access social security and other government-run services. Children who are identified as being in debt bondage must be ensured access to education in order to support their full rehabilitation.

51. Interventions to support the empowerment of adults who are in debt bondage or who are vulnerable to debt bondage are necessary, both for the individuals concerned and for subsequent generations. Initiatives that ensure that bonded labourers have access to land, such as land reform in rural areas, and fairer leasing arrangements; full, free and productive employment and skill training; and affordable credit could promote the empowerment of bonded labourers and prevent debt bondage. Furthermore, the implementation of projects that facilitate access to regulated credit schemes, both for entrepreneurial purposes and for personal needs, could prevent workers from becoming trapped in debt bondage.

52. In regard to migrant workers who are in debt bondage as a result of abusive recruitment practices, a comprehensive programme of initiatives needs to be implemented by States. This should include awareness-raising, training on safe migration, and capacity-building, for prospective migrants, officials from local and central government, and civil society organizations; the effective regulation of recruitment agencies and intermediaries; and regional and international cooperation on the issue.

VII. Conclusions and recommendations

A. Conclusions

53. **The practice of debt bondage is prevalent worldwide in numerous sectors of the economy and particularly affects people belonging to minority groups, including women, children, indigenous people, people of "low" caste and migrant workers. Poverty, the lack of economic alternatives, illiteracy and the discrimination that people from minority groups suffer leave them with no other option than to take a loan or advance from employers or recruiters to meet basic needs, in exchange for their work or the work of their families. People in debt bondage end up working for no wages or wages below the minimum in order to repay the debts contracted or advances received, even though the value of the work they carry out exceeds the amount of their debts. Furthermore, bonded labourers are often subjected to different forms of abuse, including long working hours, physical and psychological abuse, and violence. Debt bondage is prevalent in many countries, due to a failure by many Governments to implement effective legislation on debt bondage, including deficiencies in the areas of identification, release, rehabilitation, and the prosecution of offenders, and due to a lack of data on the prevalence of debt bondage, weak rule of law, social exclusion and discrimination.**

54. **Under the due diligence standard, States have an obligation to exercise a measure of care in preventing and responding to the acts of private individuals. More specifically, they have a duty to protect people in debt bondage by means of adequate procedures to identify them, to provide short-term and long-term rehabilitation that prevents revictimizations, to enact legislation on debt bondage and to ensure that victims have access to justice and remedies. Furthermore, States have an obligation to prevent debt bondage through prevention of discrimination, regulation of wages, enforcement of labour law and regulation of recruitment practices, and by protecting persons in debt bondage against violations in the context of business activities.**

55. **A comprehensive, human rights-based approach to tackling debt bondage must have at its centre the compliance of States with their obligations under international**

law and the empowerment of freed bonded labourers and people vulnerable to debt bondage. Recommendations on the implementation of such an approach are detailed below.

B. Recommendations to Member States

Institutional and legal framework

- Ratify all relevant international instruments prohibiting slavery and slavery-like practices and other relevant international instruments pertaining to the eradication of debt bondage, including the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29). States should align their national legislation with these international standards, in order to adequately criminalize debt bondage and provide adequate penalties for violations.
- Ensure that debt bondage is prohibited as a specific crime within national legal frameworks with adequate penalties for violations. Debt bondage should be included as a stand-alone violation that is treated separately from related phenomena such as forced labour or trafficking.
- In addition, ensure that the relevant legislative provisions declare null and void all debt contracted during any period during which a person was held in debt bondage.
- Establish and/or update comprehensive national action plans for the eradication of contemporary forms of slavery including debt bondage. The national action plans should outline measures to prevent and eradicate debt bondage, and ensure the protection of persons released from debt bondage.
- Provide training and sensitize law enforcement and labour officials at the national and local levels on the identification of persons in debt bondage and on the implementation of legislation on debt bondage if it exists and other relevant labour laws to tackle debt bondage. States should ensure the enforcement of legislation on debt bondage and other relevant laws to tackle debt bondage, and should ensure that these apply to all workers and all sectors of the economy.
- Sensitize the competent authorities on the effective identification of victims of debt bondage, including by developing specific guidelines and procedures and implementing human rights-based training.
- Invest in the capacity and knowledge of the labour inspectorate in order to detect and tackle cases of debt bondage. Ensure that the inspectorate covers all sectors impacted by debt bondage, including those within the informal sector.
- Ensure that robust anti-discrimination legislation is in place to protect groups that can become vulnerable to debt bondage because of multiple and intersecting forms of discrimination.
- Ensure that legislation is in place that regulates the payment of wages, and that such provisions are in alignment with obligations under the ILO Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117).
- Poverty reduction, the right to education and access to decent work opportunities.
- In the context of implementation of the Sustainable Development Goals, continue and expand targeted poverty reduction programmes that reduce the vulnerability of the individual to debt bondage.

- Ensure basic social security guarantees in order to reduce vulnerability to debt bondage.
- Take all possible steps to ensure that all members of the population can fulfil their right to education.
- Ensure effective regulation of private sector organizations in line with the Guiding Principles on Business and Human Rights.
- Invest in programmes that facilitate people's access to decent work opportunities, in order to ensure that they have economic alternatives to debt bondage.
- Ensure full respect of the rights to freedom of association and of peaceful assembly, as well as the right to collective bargaining, to support decent work and the ability of bonded labourers to advocate for their rights.
- Prevention and elimination of discrimination.
- As stated above, ensure that legislation is in place to protect from discrimination those who are vulnerable to bonded labour in order to prevent situations of exploitation.
- Undertake public-awareness-raising campaigns to challenge stigma and prejudices towards groups vulnerable to debt bondage, and sensitize populations to the rights of such people.
- Implement human rights-based training on the prevention and elimination of all forms of discrimination across State institutions.
- Integrate provisions designed to prevent stigma and prejudice against populations vulnerable to debt bondage, within all educational curricula.
- Victims of debt bondage should be ensured equal access to justice and access to effective remedies. States should ensure that persons in debt bondage who seek to access the judicial system do not encounter discriminatory attitudes and/or policies which impede access to their rights under law.
- Remove any forms of discrimination that negatively impact on the rights of certain groups, including girls, indigenous peoples and migrant children, to an education.
- Protect migrant workers.
- As outlined above, invest in the development of economic alternatives to reduce the push factors that drive individuals into migration that can lead to exploitative labour.
- Develop a comprehensive system of regulation of recruitment practices in relation to migrant workers that includes the banning of recruitment fees and the issuing of licences to recruiters and other related intermediaries.
- Origin and destination countries should work together to ensure the effective monitoring of the situation of migrant workers and that adequate protection systems are in place.
- Identification, data collection, assistance and rehabilitation.
- Undertake national and/or regional surveys to identify victims of debt bondage; these should include disaggregated information on those affected, by age, gender, nationality, caste and ethnic group, as well as information about the industries in which debt bondage is prevalent. Such surveys should cover

remote areas and informal workplaces. Data collected from such surveys should be used as the basis for the development of effective legislation, policy and programmes.

- Within the design of such surveys, provisions should be included to provide immediate assistance to identified bonded labourers. The steps taken must ensure the safety of labourers and protect them from any threats or reprisals from employers.
- Put in place comprehensive programmes that allow identified bonded labourers to be able to access the support that they need to fulfil their right to rehabilitation.
- Ensure that bonded labourers are fully consulted about the development of assistance and rehabilitation programmes.
- As part of such efforts, issue identity cards to former bonded labourers to ensure that they can access social security assistance and Government services.
- When children are identified as bonded labourers, ensure that they are able to reaccess education and that specific provisions are in place to support their reintegration.
- Ensure that those who have been subjected to debt bondage are able to access decent work opportunities to support their rehabilitation.
- Access to justice and redress.
- Take all necessary effective measures to ensure appropriate and effective remedies for victims of debt bondage, as established under the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Protocol of 2014 to the Forced Labour Convention, 1930 (No. 29).
- Train members of the judiciary on legal provisions relating to debt bondage and the rights of victims, in order to ensure the effective enforcement of legislation.
- Take all possible steps to establish effective rule of law, in particular by building the capacity of the judiciary to ensure that relevant laws are properly and consistently enforced.
- Develop victim protection mechanisms to protect former bonded labourers in the context of judicial proceedings.
- Undertake multifaceted sensitization programmes targeted at bonded labourers and at risk populations to ensure that they are aware of their rights and of avenues of remedy for violations.
- Ensure that penal and administrative sanctions are applied to all those involved in perpetrating debt bondage and that all victims are able to access redress for harm suffered, including adequate compensation.